

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico

United States of America

v.

Jorge GARCIA-RASCON

Julio GARCIA-RASCON

Case No.

22-1230 MJ

\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2022 in the county of Dona Ana in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

Title 8 U.S.C. § 1324(a)(1)(B)(iv)

Conspiracy to smuggle illegal aliens resulting in the death of any person

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

**ROBERT B  
BOONE**

Digitally signed by ROBERT B  
BOONE  
Date: 2022.07.28 11:51:04  
-06'00'

\_\_\_\_\_  
*Complainant's signature*

Robert Boone, HSI SA

\_\_\_\_\_  
*Printed name and title*

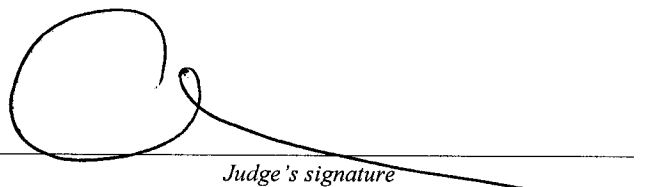
Sworn to before me and signed in my presence.

Date:

7/29/22

City and state:

Las Cruces, New Mexico

  
\_\_\_\_\_  
*Judge's signature*

Carmen E. Garza, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert Boone, a Special Agent with the Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

1. I make this affidavit in support of a criminal complaint that Jorge GARCIA-RASCON, born in 2001 (hereafter GARCIA-RASCON), did knowingly and intentionally enter into a conspiracy to transport five illegal aliens, in violation of Title 8 U.S.C. Section 1324 (a)(1)(B)(iv).
2. I have been employed as a Special Agent of HSI since November of 2007. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 8 of the United States Code. I am currently assigned to the Office of the Special Agent in Charge EL Paso, Texas. I am currently assigned to investigate violations of federal law, including alien smuggling
3. During my tenure with the HSI, I have received formal and informal training in conducting a variety of criminal investigations. I have participated in the execution of search warrants and seized evidence of these violations, conducted surveillance, and investigated alien smuggling. I have conducted dozens of interviews, to include witness, subject, and victim interviews.
4. The information contained herein is based upon my own investigations as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known by me, only facts for consideration of probable cause.
5. The following information comes from reports oral statements by United States Border Patrol Agents on July 27, 2022, concerning an alien smuggling event that occurred on that day. On July 27, 2022, at approximately 4:30 am, United States Border Patrol agents were patrolling New Mexico Highway 9 near the Pete Domenici Freeway in Santa Teresa, New Mexico. During their patrols, agents observed a tan Chevrolet Tahoe bearing Mississippi plates PND5898 heading westbound on Highway 9. Minutes later, the same vehicle was observed heading eastbound on Highway 9. Agents observed that the vehicle was riding low as if it was weighed down.
6. Border Patrol Agents initiated a traffic stop on Highway 9. The Tahoe failed to yield and proceeded at a high rate of speed northbound on Pete Domenici Highway. At this point, Border Patrol agents ceased the pursuit and turned off their takedown lights and sirens. The vehicle then lost control at the intersection of Airport Road and McNutt in Santa Teresa, New Mexico and flipped and rolled off the road.
7. Emergency Services, Border Patrol, and HSI responded to the scene of the accident. When the law enforcement approached the vehicle, two occupants, later identified as Jorge GARCIA-RASCON and Julio GARCIA-RASCON attempted to flee the scene on foot and were apprehended.
8. Law Enforcement on the scene established that there were thirteen occupants in the vehicle, all of whom were foreign nationals and in the United States illegally.

9. Two of the occupants of the vehicle were killed during the rollover accident. All other occupants, except for Jorge GARCIA-RASCON, were transported to University Medical Center in El Paso, Texas, for treatment.
10. Jorge GARCIA-RASCON was made aware of his Miranda Rights in Spanish and agreed to answer questions without the presence of an attorney. During the interview, Jorge GARCIA-RASCON stated that he and his brother, Julio GARCIA-RASCON were both Mexican Nationals who were smuggled into the United States illegally. Jorge GARCIA-RASCON stated that he and his brother were staying at a Motel in El Paso and were transporting illegal aliens for an Alien Smuggling Organization. He stated that he had transported six illegal aliens to Albuquerque, New Mexico, during the last week. He stated that he was not being paid, but in return for working he would not have to pay his smuggling fees.
11. Julio GARCIA-RASCON was read his Miranda Rights in Spanish and agreed to answer questions without the presence of an attorney. During the interview, he stated he and his brother, Jorge GARCIA-RASCON, had been working for an Alien Smuggling Organization. He stated that he had once transported illegal aliens to from El Paso, Texas to Albuquerque, New Mexico. He stated that he was paid \$500 per illegal alien. He stated that Jorge GARCIA-RASCON had made two such trips to Albuquerque. He stated that his employer in the Alien Smuggling Organization told him not to stop if law enforcement attempted to pull him over.

Respectfully submitted,

**ROBERT B  
BOONE**

Digitally signed by ROBERT B  
BOONE  
Date: 2022.07.28 11:51:46  
-06'00'

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Robert Boone

Special Agent

Homeland Security Investigations

Subscribed and sworn to before me this 27 day of July 2022.

A handwritten signature in black ink, consisting of a large, stylized 'C' or 'G' shape followed by a horizontal line that extends to the right.

United States Magistrate Judge

District of New Mexico